

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-15055 - APPLICANT: SCOTT R. GEARING - OWNER: MONTERREY PLAZA, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permits (SUP-15058 and SUP-15059) and Variance (VAR-15057) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 07/11/06, except as amended by conditions herein.
4. A Waiver from perimeter landscape buffer width requirements is hereby approved, to allow a landscape buffer width of three feet adjacent to the right-of-way where a 15-foot buffer is the minimum required.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

6. A revised landscape plan shall be submitted prior to the time an application is made for a building permit depicting a total of 11 trees in the parking lot area and all trees shall reflect Town Center requirements of 24-inch box trees and shall be Mexican Fan Palm, Rio Grande Ash, Chitalpa, or Purple Robe Locust trees.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
14. Unless already in place at the time of development, construct the full width of the proposed driveway accessing Azure Drive and sufficient onsite paving to allow two-way traffic to this site concurrent with development of this site. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a. The northern most driveway shall be relocated further south to provide adequate throat depth acceptable to the City Traffic Engineer.

15. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the east prior to the issuance of any permits.
16. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
17. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or the submittal of any construction drawings whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
18. Site development to comply with all applicable conditions of approval for Z-76-98(20), the Montecito East Commercial Subdivision, the approved Traffic Impact Analysis and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Site Development Plan Review for a proposed 5,517 square-foot restaurant and a waiver of perimeter landscape buffer requirements on the south side of Azure Drive, approximately 170 feet west of Tenaya Way.

EXECUTIVE SUMMARY

The proposed development calls for a Restaurant Service Bar/Supper Club with Gaming at this location. The proposed development does not meet parking requirements and a Variance (VAR-15057) is required. Additionally, the proposed project requires a waiver of landscape buffer width along the right-of-way. Conditions of approval have been added regarding the landscaping, specifically the number and type of trees. The applicant is attempting to overbuild the site, as the landscape buffer waiver and parking Variance indicate. An alternative design with less square-footage is recommended to meet requirements. Denial of this project is recommended.

BACKGROUND INFORMATION

A) *Related Actions*

- 12/07/98 The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request.
- 04/04/01 The City Council approved requests for Special Use Permits (U-0006-01, U-0007-01, U-0009-01, U-0010-01, U-0012-01, U-0013-01, U-0015-01, U-0016-01, U-0019-01, U-0020-01, U-0022-01 and U-0023-01) for seven supper clubs, one restaurant with drive-up, two restricted gaming locations, one restaurant service bar and two requests for the sale of packaged liquor, on the subject site. The City Council approved a request for a Site Development Plan Review [Z-0076-98(20)] for the overall commercial development on this site. The Planning Commission and staff recommended approval of the items on February 22, 2001.
- 06/18/03 The City Council approved an Extension of Time (EOT-2155) of the approved Special Use Permit (U-0008-01), which allowed a restaurant with drive-up and related Extensions of Time (EOT-2153, EOT-2154, EOT-2156, EOT-2157, EOT-2158, EOT-2159, EOT-2160, EOT-2161, EOT-2162, EOT-2163, EOT-2164 and EOT-2165) for approved Special Use Permits, which allowed seven supper clubs, one restaurant with drive-up, two restricted gaming locations, one restaurant service bar and two requests for the sale of packaged liquor, on the overall site. The Planning Commission and staff recommended approval on 05/22/03.

- 06/01/05 The City Council approved related Extension of Time of requests (EOT-6561, EOT-6562, EOT-6563, EOT-6564, EOT-6565, EOT-6566, EOT-6567, EOT-6610 and EOT-6611) for approved Special Use Permits which allowed five supper clubs, one restaurant with drive-up, one restricted gaming establishment and one restaurant service bar, on the overall site.
- 08/24/06 The Planning Commission recommended approval of companion items VAR-15057, SUP-15058 and SUP-15059 concurrently with this application.
- 08/24/06 The Planning Commission voted 5-1/sd to recommend APPROVAL (PC Agenda Item #55/ng).

It is noted that of the extensive list of cases noted above related to the Monterrey Marketplace the previous approvals on the actual site of the proposed development were U-15-01 and U-23-01 for Gaming (Restricted) and Liquor Sales (off site consumption) in conjunction with a Drug Store and the Extension of Time requests directly associated with these items. All other approvals are part of the adjacent commercial development.

B) Pre-Application Meeting

- 05/31/06 A pre-application meeting was held and elements of this project were discussed. It was noted that a neighborhood meeting would be required per Town Center Standards for the Gaming (Restricted) request.

C) Neighborhood Meetings

In accordance to Town Center requirements a neighborhood meeting was held on Tuesday, 07/25/06 at 7:00 p.m. The meeting was held at Cimarron Rose Community Center, 5591 North Cimarron Road, Las Vegas, Nevada. No citizens were in attendance at this meeting.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.88

B) Existing Land Use

Subject Property: Undeveloped
North: Shopping Center
South: Single Family Residential
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: SX-TC (Suburban Mixed Use)
North: GC-TC (General Commercial)
South: ML (Medium Low Density Residential)
East: SX-TC (Suburban Mixed Use)
West: SX-TC (Suburban Mixed Use)

D) Existing Zoning

Subject Property: TC (Town Center)
North: TC (Town Center)
South: Clark County
East: TC (Town Center)
West: TC (Town Center)

E) General Plan Compliance

The subject property is located in the Centennial Hills Sector Plan of the General Plan. The governing land use on the property is SX-TC (Suburban Mixed Use – Town Center) as the property is also located in Town Center. The proposed project is in compliance with the SX-TC land use designation and the General Plan.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance” for the following reasons:

- 1) Any Special Use Permit within 500’ of the boundary with Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

- 1) No comments have been received to date.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

PROJECT DESCRIPTION

The proposed project calls a 5,517 square-foot building oriented toward the street. The proposed use is as a restaurant. The rear of the development features a multi-use transportation trail. Parking is primarily to the rear of the development. There is landscaping throughout; however, it is noted that addition trees re required to meet standards. Access to the site is from Azure Drive. The project also requires a parking variance and Special Use Permits for the Restaurant Service Bar/Supper Club and Gaming uses.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

The proposed development is located in the SX-TC (Suburban Mixed Use – Town Center) land use designation. For the purpose of this development the following standards are proposed:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	38,484 SF	N/A
Min. Lot Width	N/A	140 Feet	N/A
Min. Setbacks			
• Front	15 Feet	4 Feet	N
• Side	N/A	4 Feet	N/A
• Corner	N/A	N/A	N/A
• Rear	N/A	166 Feet	N/A
Max. Lot Coverage	N/A %	14.3 %	N/A
Max. Building Height	N/A	25.25 Feet	N/A
Trash Enclosure	50 Feet from residential property	78 Feet	Yes
Loading Zone	One a minimum 15 Feet X 25 Feet	One a minimum 15 Feet X 25 Feet	Yes
Mech. Equipment	Screened	Screened	Yes

The front yard setback is four feet. A 15-foot setback would typically be required in the SX-TC designation. This is due to the required 15-foot landscape buffer adjacent to the right-of-way. The applicant has asked for a waiver of the landscape buffer width in this area, which also affects the setback.

A2) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	964 SF	1:300 SF	4			
Restaurant (Seating)	2,547 SF	1:50 SF	51			
Restaurant (other area)	2,006 SF	1:200 SF	11			
Sub Total			66	3	61	3
Total			66		61	

The proposed development does not meet Title 19.10 parking requirements and a Variance is required. The applicant has requested a Variance (VAR-15057) to permit this deviation from standards.

A3) Landscape and Open Space Standards

Pursuant to Town Center Design Standards, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	11 Trees	5 Trees
• Min. Zone Width	15 Feet (adjacent to the Right of Way)		3 Feet

The proposed development is deficient in several areas of landscaping. The applicant has requested a waiver to allow a landscape buffer width of three feet adjacent to the right-of-way where 15 feet is the minimum required. This reduction allows the building to be brought up to the street and gives the site more room for parking. Additionally, the site is deficient in the number of trees provided in the parking lot area. A condition of approval shall be added requiring an additional seven trees in the parking lot area. Finally, the types of trees* that the applicant is proposing do not meet Town Center Standards. This will also be handled with a condition of approval requiring a revised landscape plan meeting requirements along with the additional trees.

* Town Center requires that 24 inch box trees be Mexican Fan Palm, Rio Grande Ash, Chitalpa, or Purple Robe Locust trees.

B) General Analysis and Discussion

- Zoning

The subject property is zoned T-C (Town Center). The properties within this area are subject to the guidelines in the Town Center Development Standards Manual. The land use on the property is SX-TC (Suburban Mixed Use – Town Center). The Town Center area encourages imaginative development with a mixture of uses. The proposed development meets the intent of the Town Center area.

- Site Plan

The site plan shows the building oriented toward the street, located in the northwest corner of the parcel. The parking is primarily to the rear. A loading space is provided at the rear of the building, this space will interfere with traffic flow when being used. The trash enclosure is located at the southeast corner of the parking lot. Ingress/egress is provided from Azure Drive.

- Waivers

A waiver of perimeter landscape buffer width is required. The applicant is proposing a buffer width of four feet adjacent to the right-of-way where fifteen feet is the minimum landscape buffer required. The deficiency permits the building to be oriented toward the street and allows additional room for parking.

- Landscape Plan

The landscape plan shows trees planted around the perimeter of the development, with the exception being along the right-of-way. The applicant has requested a waiver of buffer width requirements in this area and the provided buffer is not large enough to support trees. The applicant is being required to place additional trees in the parking lot area. Additionally the tree types listed on the landscape plan do not meet Town Center requirements. The applicant will be required to provide a revised landscape plan meeting the requirements of this review.

- Elevation

Elevations show a single-story building with a flat roof. The overall building height is just over 25 feet at its highest point. The building height varies to break up the outline of the structure per Town Center standards. The structure features parapets, tile roof, stucco, and wood fascia.

- Floor Plan

The floor plan for the proposed restaurant shows a bar and waiting area to one side and the seating area to the other. The kitchen is in the center with office space in the back corner. The floor area totals 5,517 square feet.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed development is considered appropriate for the area as this is part of the Town Center area that is intended for this and other commercial type uses. It is noted that the proposed development is deficient in parking, which is the primary concern related to the denial recommendation for this project.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The proposed development is deficient in parking and requires a Variance (VAR-15057) to allow this deviation from standards. The project also requires a waiver of landscape buffer width along Azure Drive. This reduction in buffer width also causes a lack of trees along the right-of-way as the proposed buffer is too narrow to accommodate trees. The removal of the office space that is intended for lease would permit the site to accommodate the required parking and increase the landscape buffer width to plant trees in this area.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The site gains access from Azure Drive a 70-foot right-of-way. The proposed project will share a driveway with the parcel to the east. This parcel is not yet developed. Site access and circulation are acceptable.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

Building materials are appropriate for the area and the City of Las Vegas. Landscape materials do not meet Town Center requirements and a revised landscape plan is required.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

Building elevations and design characteristics are not unsightly and will be harmonious and compatible with development in the area.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will not endanger the public health, safety, or the general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

15

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 334 by Planning Department

APPROVALS 0

PROTESTS 0